

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
J.A.R. CONCRETE, INC.,	§	Case No. 23-30242-HCM-11
	§	
Debtor.	§	

EMERGENCY MOTION TO COVER PRE-PETITION PAYROLL

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Now comes the Debtor-in-Possession J.A.R. CONCRETE, INC. (hereinafter "J.A.R.") and through their attorney undersigned files this Emergency Motion to Cover Pre-Petition Payroll, and for cause would show:

1.

Petition date in these Subchapter V proceedings is March 14, 2023. Jurisdiction arises under 28 U.S.C. § 1344(a), (b), and (e).

2.

The Debtor employs 5 persons. They are paid at weekly intervals, one week after completing each pay period. For the pre-petition interval March 6-10 and March 13, they are owed for six workdays. The total payroll for the period is approximately \$12,500.00.

3.

If the employees are not paid, there are likely to be defections from the workforce by some unpaid employees. That would bring irreparable harm to J.A.R., because it is very hard to replace experienced and capable workers, and replacements tend to be slower, mistake-prone, and more expensive, which will have an adverse impact on the effort to reorganize.

4.

The Debtor is solvent on a balance sheet test. It is expecting substantial payment in the next three days upon major construction jobs, more than sufficient to cover the pre-petition payroll.

5.

All of the workers to be paid are entitled to priority claims for their wages.

6.

All of the Debtors' secured creditors have fixed collateral for their security.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays for permission to cover its pre-petition payroll. Further Debtor prays for all other relief deserved in the circumstances, general of special, and law or equity.

Respectfully submitted this 15th day of March, 2023.

/s/ 

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Attorney for the Debtor-in-Possession

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of March, 2023, I did cause a copy of the foregoing Motion to Cover Prepetition Payroll to be mailed to U.S. Trustee, P.O. Box 1539, San Antonio, TX 78205-1539; to J.A.R. Concrete, Inc., 8000 Escobar, El Paso, TX 79907; and to and to 20 Largest Unsecured Creditors as shown on the attached list.

/s/ 
E.P. BUD KIRK

4988-MC-031523

20 Largest Unsecured Creditors

4 Rivers Equipment
924 11th Street
Greeley, CO 80631

Hartford Financial Services
P.O. Box 415738
Boston, MA 02241-5738

Accent Landscaping & Sprinkler
28 San Marco Drive
El Paso, TX 79922

Milling Services
2401 S 15th Ave.
Phoenix, AZ 85007

Assured Partners of Texas, LLC
5930 Preston View Blvd., Ste. 200
Dallas, TX 75240

Nationwide Rebar, Inc.
5631 J.M. Browning
El Paso, TX 79938

C&R Distributing, LLC
140 S. Prado
El Paso, TX 79907

Nueces Power Equipment
P.O. Box 4789
Corpus Christi, TX 78469

City of El Paso Financial Services
1st Floor 300 N. Campbell
El Paso, TX 79901

Pavement Marking, Inc.
8949 S Beck Ave.
Tempe, AZ 85284

Clowe & Cowan of El Paso
P.O. Box 9898
El Paso, TX 79995-2989

Reladyne West, LLC
P.O. Box 955967
Saint Louis, MO 63195-5967

El Paso A.R.C. Electric
8010 North Loop
El Paso, TX 79915

SBNG, CPA
221 N. Kansas, Ste. 1300
El Paso, TX 79901

El Paso Tax Assessor/Collector
P.O. Box 2992
El Paso, TX 79999

Structural Steel Services
13351 Montana Ave.
El Paso, TX 79938

Tri State Electric, Ltd.
530 Valley Chile Rd.
Vinton, TX 79821

Wagner Equipment
P.O. Box 919000
Denver, CO 80291-9000

Wex Bank
P.O. Box 4337
Carol Stream, IL 60197-4337

White Cap Construction Supply
P.O. Box 4582
Orlando, FL 32802-4852